

NEWSLETTER

November, 2001

ABOUT THE BOARD:

NH Board of Medicine
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Concord

Recent Changes to the Board:

There have been several changes at the New Hampshire Board of Medicine since our last newsletter.

Suzanne Amidon, JD served as Administrator for the Board until she resigned in June 2001.

Penny Taylor was hired as Administrator in August 2001. Ms. Taylor has been with the Board as an Administrative Secretary for over thirteen years.

Governor Shaheen has re-appointed Dr. Cynthia Cooper and Dr. James Sise to the Board and has also appointed Dr. Robert Feder to the Medical Review Subcommittee (MRSC).

The Board has entered into another two-year contract with Dana Merrithew, M.D. for the part time position of Administrator of the MRSC.

The Board welcomes Steve Davis, who joined the Board staff in February 2001, Dori Tothill, Fraud Investigator, who joined the Board staff in March 2001, Melissa Couch, who joined the Board staff in July 2001 and Barbara Davis, who joined the Board staff in November 2001.

IMPORTANT NOTICE TO ALL PHYSICIANS: Renewal applications will be mailed to the preferred mailing address on file with the Board as of June 30, 2001. If you have changed your preferred mailing address since that date, and have not yet notified the Board, state law provides that you **must** notify the Board immediately. In addition to a violation of the law, failure to comply has caused many problems with individual renewals.

If you have not received a renewal application by May 1, 2002, contact the Board immediately at (603) 271-6934. Please be advised that if your renewal application is not postmarked by June 30, 2002, a late fee of \$150.00 will be assessed.

Use Of Lasers: The Board continues to receive many questions and complaints regarding the use of lasers by medical and non-medical personnel. New Hampshire law is very clear on this issue. It provides that unless specific authority is granted by another statute, the use of lasers to cut, shape, burn, vaporize, or otherwise structurally alter human tissue is surgery. (See RSA 329:1 Practice) This law allows only physicians and physician assistants who are licensed by the Board of Medicine to perform laser procedures.

Medical Records: *Notice to all physicians* - Another issue which generates many avoidable complaints to the Board of Medicine involves patient efforts to retrieve their medical records. It appears that some physician offices may not fully understand obligations to make these records available. When patients request medical records from your office, please be advised that you are required by law to promptly release a copy of all medical records in your possession, including medical records received from other providers, within a 30 day period pursuant to NH Code of Administrative Rules Med 501.02(4)b. Also, patients are entitled to a copy of IME medical records. You may charge a reasonable fee for copying of the medical records, but cannot delay transfer of medical records, including for non-payment of services.

REMINDER: The most recent session of the NH legislature made some changes in requirements of reporting to the Board of Medicine. New Hampshire law (RSA 329:17,IV) currently provides that "Every facility administrator, or designee, for any licensed hospital, health clinic, ambulatory surgical center, or other health care facility within the state shall report to the board any disciplinary or adverse action, within 30 days after such action is taken, including situations in which allegations of misconduct are settled by voluntary resignation without adverse action, against a person licensed by the board". This includes any suspensions, restrictions or reductions of hospital privileges or other adverse actions.

DISCIPLINARY ACTIONS:

The following final disciplinary actions were taken by the Board from July 2000 through October 1, 2001.

William S. Grass, M.D. License #10982 Burlington, VT

6/20/00 – Order of Conditional Approval. License granted with conditions based on action taken by the Vermont Board of Medicine for opioid addiction.

Albert M. Ghassemian, M.D. License #9770 Salem, NH

7/24/00 – Order for Temporary Suspension of License and Show Cause Hearing. License suspended for 120 days pending Disciplinary Hearing based on action taken by the Massachusetts Board of Registration in Medicine. The Massachusetts Board has found that Dr. Ghassemian represents an immediate and serious threat to public health and safety based on the violent threats he allegedly made against employees of a health care insurer.

5/08/01 – Order Of The Board. License Suspended. The hearing on this matter is scheduled for June 6, 2001. Final decision is pending.

10/31/01 – Order – Suspension of License. The Board finds that Dr. Ghassemian has demonstrated impaired judgment, impulsivity, inability to think in a flexible manner limiting his ability to integrate new information, a tendency to become overwhelmed when faced with complex and/or ambiguous tasks, and a significant lack of capacity for self which raises a concern

as to whether he is capable of continuing to practice medicine in a safe manner. The Board finds that Dr. Ghassemian poses an immediate danger to his patients. These findings are derived from the information received from Massachusetts. The Board further finds that Dr. Ghassemian's behavior, specifically the violent threats he allegedly made against employees of a health care insurer, constitutes unprofessional conduct in violation of RSA 329: 17, (d).

Michael A. Leone, M.D. License #RT-364

8/22/00 – Order Retroactively Revoking Residency Training License, effective 2/4/98. Arrested and convicted of a felony related to unauthorized professional use of narcotics while holding a Resident Training License.

L. Andre Perron, M.D. License #3316 Manchester, NH

9/1/00 – Order of Revocation. License revoked for failure to comply with a prior Consent Decree, requiring among other things that he abstain from alcohol consumption.

Loren A. Landis, M.D. License #9761 Brattleboro, VT

9/8/00 – Order for Suspension of Medical License *effective 9/22/00*. License suspended pending completion of continuing medical education credits required for the June 30, 2000 renewal of license. Physician was granted an extension but failed to meet the September 1, 2000 deadline. License suspended 4:00 PM 9/22/00.

Brent Woodfield, M.D. Chatham, MA

10/10/00 – Decision and Order – Application for medical license denied. The NH Board concludes that Dr. Woodfield has not demonstrated that he is qualified for licensure. The Board also concluded the Dr. Woodfield has not demonstrated that he meets the professional character and competency requirements for licensure under RSA 329:14, II.

Lawrence N. Gray, M.D. License #7057 Portsmouth, NH

11/07/00 – Settlement Agreement – Reprimand for acting unprofessionally by performing blepharoplasty laser surgery on the eyelids of a patient without the use of laser safety eyewear resulting in small corneal scars to patient.

Suzanne V. Wolanin-Saifi, M.D. License #NA Reading, PA

11/08/00 – Final Decision and Order Denying Medical License – Failed to pass step 1 of the USMLE exam within three attempts as required by the New Hampshire Code of Administrative Rules MED 303.01 (d).

Craig L. Paulshock, M.D. License #7465 Celebration, FL

11/14/00 – Settlement Agreement – Reprimand. During the course of a wrongful death lawsuit against the Dr. Paulshock and Atlantic Anesthesia, Dr. Paulshock and his counsel acted negligently by permitting a delay in the delivery of documents to opposing counsel regarding his evaluation of Nurse Anesthetist Jackson, under his supervision, who was responsible for administering medication to the deceased.

Mark K. Detweiler, M.D. License #6919 Derry, NH

12/13/00 – Settlement Agreement – Reprimand. Unprofessional behavior towards a colleague.

Geoffrey Lundy, M.D. License #9840 Manchester, NH

1/5/01 - Settlement Agreement - Reprimand. Habitual user of alcohol.

Barbara Kolinsky, PA License #0041 Berlin, NH

2/13/01 - Settlement Agreement - Reprimand. Habitual user of alcohol.

Joseph Migliore, M.D. License #8827 Durham, NH

2/9/01 - Settlement Agreement - 180 day suspension. Inappropriate prescriptive practices.

Christopher P. Corcoran, M.D. License #6691 Northwood, NH

2/13/01 - Settlement Agreement - Reprimand and 20 hours of CMEs for alleged failure to adhere to an appropriate standard of care in the treatment of one patient.

Neil M. Martin, M.D. License #7129 Exeter, NH

3/15/01 - Settlement Agreement - Reprimand. Failure to adhere to an appropriate standard of care of a patient.

Gregory M. Lynch, M.D. License #8168 Derry, NH

3/21/01 - Settlement Agreement - Reprimand. Delay in a Cesarean section causing baby to be born in a vegetative state and, eventually, die.

William J. Willitts, M.D. License #5855 Manchester, NH

On March 18, 1999, the Board revoked the medical license of Dr. Willitts, pursuant to RSA 161-B:11, IV, because he failed to comply with a legal order of child support.

2/14/01 - Reinstatement of License Denied. Dr. Willitts was convicted of failure to pay child support (Class E Felony), failure to pay child support (Class B Misdemeanor) and filing a false tax return. Dr. Willitts failed in his reapplication for licensure to disclose the following: 1) that his hospital privileges had been suspended, limited or revoked; 2) that disciplinary action had been taken in New Hampshire; and 3) that he was a defendant in a criminal prosecution involving two counts of Class B Felony Perjury, as well as a federal criminal prosecution involving one count Class E Felony, Failure to pay Child Support, and one count Class E. Felony, Filing of False Tax Return.

4/6/01 - Motion for Reconsideration Denied.

James P. Kartell, M.D. License #5263 Andover, MA

4/4/01 – Settlement Agreement – Revoked. Arrested and charged with murder. Later convicted of voluntary manslaughter.

Jeffrey Haines, M.D. License #7541 Sunapee, NH

4/04/01 – Settlement Agreement – Reprimanded. Respondent violated the boundaries of the doctor/patient relationship.

John B. Welch, M.D. License #7422 Concord, NH

5/03/01 – Settlement Agreement- Emergency Suspension. Respondent engaged in professional misconduct.

5/25/01 – Order Continuing Suspension of License.

Thomas L. Meyer, M.D. License #6953 Rochester, NH

5/08/01 – Order Of The Board- Motion to Terminate Supervision. Motion denied.

Mark E Logan, M.D. License #6928 Lebanon, NH

5/16/01 – Order Of The Board. Final Order Denying License. Habitual user of alcohol and failure to provide information regarding all disciplinary actions in Arizona. Appeal has been withdrawn.

Deborah A. Nash, P.A. License #T-083 Portsmouth, NH

5/24/01 – Order Terminating Temporary License. Applicant Failed the NCCPA examination, information of Exam results received at the Board on May 22, 2001.

Sankar N Banerjee, M.D. License #8871 Exeter, NH

5/25/01 – Order Of Conditional Denial. Applicant must request a hearing to show cause why he should not be denied a license within thirty (30) days. Applicant can reapply for reinstatement at such time as he can provide proof of completing additional training or continuing medical education in the areas in which the applicant has been found deficient.

James Butler, M.D. License #4647 Manchester, NH

9/11/01 – Order of the Board. Reprimand. Dr. Butler was reprimanded for failing to properly read a pathology report.

George J. Bower, M.D. License #7676 Milford, NH

6/13/01 – Settlement Agreement- Reprimanded, 25 Hours of continuing medical education within twelve (12) months of the effective date of agreement.

W. Myric Wood, M.D. License #3403 Lebanon, NH

6/15/01 – Settlement Agreement – Dr. Wood practiced medicine without a valid medical license. Reprimanded, fined \$600.00, Board granted Dr. Wood's application for re-instatement of his medical license through 6/30/02 immediately upon execution of this agreement.

Greg R. Thompson, M.D. License #6720 Plaistow, NH

7/3/97 - Decision and Order. License revoked effective September 2, 1997, based on allegations of sexual misconduct. May reapply for licensure after 4 years.

10/22/99 - Order of Conditional Approval. Dr. Thompson received a license to practice with conditions.

7/27/01 - Order Removing Restrictions. Dr. Thompson's license is a full and unrestricted license.

Robert D. Yager, M.D. License #6752 Nashua, NH

On 11/3/92, Board approved a Settlement Agreement in lieu of disciplinary proceedings against Dr. Yager for allegations of sexual misconduct involving a female patient and failure to make appropriate referrals of that patient to appropriate specialists. 9/11/01 – Order Removing Restrictions – The Board issued an Order of Conditional Approval of Dr. Yager's license in December 1999. Dr. Yager has asked for the removal of the remaining restrictions because he has been practicing under supervision since July 2000, has submitted four (4) quarterly reports from the supervision physician and has been in compliance with his agreement. Board granted Dr. Robert Yager's license full and unrestricted.

Josefina Pilpil-Arambulo, M.D. License #4970 Bedford, NH

9/11/01 – Settlement Agreement – Reprimand. Dr. Pilpil-Arambulo acted unprofessionally and in violation of RSA 329:17, VI(d).

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- All Orders are public documents and may be obtained by calling the Board office at (603) 271-1203. There is a fee of \$.25 per page for all Orders.

LEGISLATIVE UPDATE:

The following are changes to the Medical Practice Act (RSA 329):

HB 640 - Effective 9/3/00 - RSA 329:17, III-b states that any complaint alleging that a medical director has committed misconduct shall be received and reviewed by the Board for potential disciplinary action. Medical director means a physician licensed under this chapter who is employed by a health carrier or medical utilization review entity and is responsible for the utilization review techniques and methods of the health carrier or medical utilization review entity and their administration and implementation.

HB 640 - Effective 9/3/00 - RSA 329:17, V-a states that the Medical Review Subcommittee shall consist of one member of the Board of Medicine and 6 other persons, no more than 5 of whom shall be physicians, one of whom shall be a medical director.

HB 511 - Effective 9/3/01 - RSA 329:16-g states that the New Hampshire Medical Society will continue to manage physician CME's until January 1, 2007, and by the Board or their designee thereafter.

HB 667 - Effective 9/9/01 - RSA 329:2, I has been amended replacing "paramedical personnel" with "physician assistant" as a member of the Board. Also, this bill adds as a member of the Board, the commissioner or the medical director of the Department of Health and Human Services.

HB 667 - **Effective 7/1/02** - This portion of the bill, which is not effective until July 1, 2002, states that renewal for physicians will be on a biennial basis. Physicians will renew either on the odd year or the even year, depending on the year they were initially licensed. Renewal in the year 2002 will have no changes. Biennial renewal will start with the renewal in the year 2003.

Call for Expert Reviewers:

The Medical Review Subcommittee (MRSC) to the Board of Medicine regularly contracts with physicians to serve as specialty consultants on cases before the Board. Contracted consultants are asked to provide independent medical opinions regarding the care rendered by a practitioner who is the subject of a complaint or an adverse report. The MRSC is continually updating its consultant list and is asking physicians to consider offering their services to the MRSC as needed. Your name will be kept on file and you may be contacted if the MRSC requires someone with your particular expertise. In the event you are asked to review a case, you are always free to decline your services. If you agree to be an expert reviewer, fee for your services will be negotiated.

Being an expert consultant reviewer involves the following:

1. A review of the case records and documents;
2. The preparation of a written report addressing the appropriateness of the provided care; and
3. Testimony before the Board, if necessary.

The Board will accept submissions from all physicians who meet the following requirements:

1. Holds a current NH medical license in good standing;
2. Has no prior disciplinary action, or current charges, from the Board; and
3. Has a minimum of 5 years in active practice in the area of specialty or subspecialty.

If you are interested in being an expert consultant reviewer for the MRSC, please send your name, area(s) of expertise, current Curriculum Vitae, address, telephone number and hourly rates to:

Board of Medicine
Attn: Dori Tothill, Fraud Investigator
2 Industrial Park Drive, Suite 8
Concord, New Hampshire 03301